

FORM PTO-1390
(Rev 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

GRIHAC P44AUS

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

10/538303

U.S. APPLICATION NO. (If known, see 37 C.F.R.1.5)

10/538,303

INTERNATIONAL APPLICATION NO.

PCT/AU2003/001626

INTERNATIONAL FILING DATE

December 9, 2003

PRIORITY DATE CLAIMED

December 9, 2002

TITLE OF INVENTION

PATIENT WARMING SYSTEM

APPLICANT(S) FOR DO/EO/US

Colin DUNLOP

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
 2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau. (PCT/IB/308 mailed)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
 6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)), with original drawing(s), is attached.
 6. ☐ The International Application, with paragraph numbering added thereto, is attached.
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO/SB/08a/08b.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
 14. ☐ A substitute specification w/Marked-Up Version of Amended Specification.
 15. ☐ A change of power of attorney and/or address letter.
 16. ☒ Other items or information:

<input type="checkbox"/> Preliminary Examination Report <input type="checkbox"/> Annexes to Pre. Ex. Rep. <input type="checkbox"/> International Search Report <input type="checkbox"/> German Novelty Search Report <input type="checkbox"/> ___ copies of citations <input type="checkbox"/> Form PCT/IB/308 <input type="checkbox"/> International Publ. No. _____ (Face page only)	<input type="checkbox"/> Copy of Request <input type="checkbox"/> Submission of Formal Drawings <input type="checkbox"/> ___ sheets of formal drawings <input type="checkbox"/> Abstract <input checked="" type="checkbox"/> Applicant Claims Small Entity Status <input checked="" type="checkbox"/> Copy of Notification of File Missing Parts <input type="checkbox"/> German Language Specification
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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **December 2, 2005** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV622272228US** addressed to the: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Bujold

(typed or printed name of person mailing paper)

(signature of person mailing paper)

17. ■ The following fees are submitted: <div style="margin-left: 20px;"> Basic National Fee (37 CFR 1.492(a)(5): Search Report has been prepared by the EPO or JPO \$1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(1) .. \$750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(2) but international search fee paid to USPTO (37 CFR 1.445(a)(2)). \$790.00 Neither international preliminary examination fee (37 CFR 1.492)(a)(3) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,110.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(4) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = </div>				<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">CALCULATIONS</div> <div style="border: 1px solid black; padding: 2px;">PTO USE ONLY</div>																																																																									
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number Filed</th> <th style="width: 20%;">Number Extra</th> <th style="width: 20%;">Rate</th> <th style="width: 20%;"></th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td style="text-align: center;">-20 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$ 50.00</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">-3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$200.00</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="3">Multiple dependent claim(s) (if applicable)</td> <td style="text-align: center;">+ \$360.00</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: center;">130</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable. Applicant Claims Small Entity Status. (Note 37 CFR 1.9, 1.27, 1.28).</td> <td style="text-align: center;">65</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td style="text-align: center;">65</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td style="text-align: center;">65</td> <td></td> </tr> <tr> <td colspan="4" rowspan="2"></td> <td style="text-align: center;">Amount to be: refunded</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">charged</td> <td style="text-align: center;">\$</td> </tr> </tbody> </table>				Claims	Number Filed	Number Extra	Rate			Total Claims	-20 =	0	x \$ 50.00	0		Independent Claims	-3 =	0	x \$200.00	0		Multiple dependent claim(s) (if applicable)			+ \$360.00	0		TOTAL OF ABOVE CALCULATIONS =				130		Reduction by 1/2 for filing by small entity, if applicable. Applicant Claims Small Entity Status. (Note 37 CFR 1.9, 1.27, 1.28).				65		SUBTOTAL =				65		Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				0		TOTAL NATIONAL FEE =				0		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				0		TOTAL FEES ENCLOSED =				65						Amount to be: refunded	\$	charged	\$
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<p>a. ■ A check in the amount of <u>\$65</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>04-0213</u> in the amount of \$ <u> </u> to cover the above fees. A duplicate copy of this sheet is enclosed:</p> <p>c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-0213</u>. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <div style="text-align: right; margin-top: 20px;"> Michael J. Bujold – Registration No. 32,018 CUSTOMER NO. 020210 Davis & Bujold, P.L.L.C. Fourth Floor 500 North Commercial Street Manchester, NH 03101-1151 Telephone (603) 624-9220 Telefax (603) 624-9229 </div>																																																																													

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Form PTO-1390 (REV 5-93)

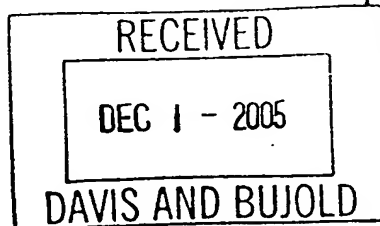


UNITED STATES PATENT AND TRADEMARK OFFICE

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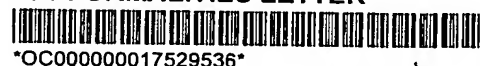
U.S. APPLICATION NUMBER NO. 10/538,303	FIRST NAMED APPLICANT Colin Dunlop	ATTY. DOCKET NO. GRIHAC P44AUS
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20210
DAVIS & BUJOLD, P.L.L.C.
FOURTH FLOOR
500 N. COMMERCIAL STREET
MANCHESTER, NH 03101-1151



INTERNATIONAL APPLICATION NO. PCT/AU03/01626.	
I.A. FILING DATE 12/09/2003	PRIORITY DATE 12/09/2002

CONFIRMATION NO. 3549
371 FORMALITIES LETTER



OC000000017529536

NAY
Z

Date Mailed: 11/28/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Copy of IPE Report filed on 06/09/2005
- Preliminary Amendments filed on 06/09/2005
- Information Disclosure Statements filed on 06/09/2005
- Oath or Declaration filed on 06/09/2005
- Small Entity Statement filed on 06/09/2005
- Request for Immediate Examination filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

2-4-06
5-16-06
AY

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,303	PCT/AU03/01626	GRIHAC P44AUS

FORM PCT/DO/EO/905 (371 Formalities Notice)